

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

ALLISON FAWCETT MATYAS
a.k.a. ALLISON FAWCETT
1133 Lake Washington Blvd N., Apt. F407
Renton, WA 98056

Registered Nurse License No. 692973

Respondent

Case No. 2013-41

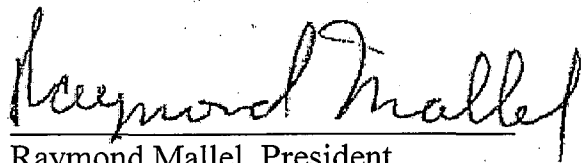
OAH No. 2012080045

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **April 11, 2013.**

IT IS SO ORDERED **April 11, 2013.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KAREN R. DENVIR
Deputy Attorney General
4 State Bar No. 197268
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5333
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation
12 Against:

13 **ALLISON FAWCETT MATYAS,**
14 **aka ALLISON FAWCETT**
15 **1133 Lake Washington Boulevard N., Apt.**
16 **F407**
17 **Renton, WA 98056**

18 **Registered Nurse License No. 692973**

19 **Respondent.**

Case No. 2013-41

OAH No. 2012080045

20 **STIPULATED SURRENDER OF**
21 **LICENSE AND ORDER**

22 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
23 proceeding that the following matters are true:

24 **PARTIES**

25 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
26 Registered Nursing. She brought this action solely in her official capacity and is represented in
27 this matter by Kamala D. Harris, Attorney General of the State of California, by Karen R. Denvir,
28 Deputy Attorney General.

2. Allison Fawcett Matyas (Respondent) is representing herself in this proceeding and
has chosen not to exercise her right to be represented by counsel.

3. On or about November 22, 2006, the Board of Registered Nursing issued Registered
Nurse License No. 692973 to Allison Fawcett Matyas (Respondent). The Registered Nurse

1 License was in full force and effect at all times relevant to the charges brought in Accusation and
2 First Amended Accusation No. 2013-41 and expired on October 31, 2012.

3 JURISDICTION

4 4. First Amended Accusation No. 2013-41 was filed before the Board of Registered
5 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.
6 The Accusation and all other statutorily required documents were properly served on Respondent
7 on July 13, 2012. Respondent timely filed her Notice of Defense contesting the Accusation. The
8 First Amended Accusation and all other statutorily required documents were properly served on
9 Respondent on November 13, 2012. A copy of First Amended Accusation No. 2013-41 is
10 attached as Exhibit A and incorporated by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, and understands the charges and allegations in First
13 Amended Accusation No. 2013-41. Respondent also has carefully read, and understands the
14 effects of this Stipulated Surrender of License and Order.

15 6. Respondent is fully aware of her legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the First Amended Accusation; the right to be
17 represented by counsel, at her own expense; the right to confront and cross-examine the witnesses
18 against her; the right to present evidence and to testify on her own behalf; the right to the issuance
19 of subpoenas to compel the attendance of witnesses and the production of documents; the right to
20 reconsideration and court review of an adverse decision; and all other rights accorded by the
21 California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 CULPABILITY

25 8. Respondent understands and agrees that the charges and allegations in First Amended
26 Accusation No. 2013-41, if proven at a hearing, constitute cause for imposing discipline upon her
27 Registered Nurse License.

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9. For the purpose of resolving the First Amended Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the First Amended Accusation, and that Respondent hereby gives up her right to contest those charges.

10. Respondent agrees that her Registered Nurse License is subject to discipline and she hereby surrenders her Registered Nurse License No. 62973 for the Board's formal acceptance. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without any further process.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 692973, issued to Respondent Allison Fawcett Matyas, is surrendered and accepted by the Board of Registered Nursing.

1. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Registered Nursing.

2. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in First Amended Accusation No. 2013-41 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If and when Respondent's license is reinstated, she shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$3,175.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.

6. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

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Exhibit A

First Amended Accusation No. 2013-41

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KAREN R. DENVER
Deputy Attorney General
4 State Bar No. 197268
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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation
12 Against:

13 **ALLISON FAWCETT MATYAS,**
14 **aka ALLISON FAWCETT**
15 **1133 Lake Washington Boulevard N., Apt. F407**
16 **Renton, WA 98056**

15 **Registered Nurse License No. 692973**

16 Respondent.

Case No. 2013-41

OAH No. 2012080045

FIRST AMENDED ACCUSATION

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this First Amended Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 ("Board"), Department of Consumer Affairs. This First Amended Accusation replaces in its
23 entirety Accusation No. 2013-41 filed on July 13, 2012.

24 2. On or about November 22, 2006, the Board issued Registered Nurse License Number
25 692973 to Allison Fawcett Matyas, also known as Allison Fawcett ("Respondent"). Respondent's
26 registered nurse license was in full force and effect at all times relevant to the charges brought
27 herein and will expire on October 31, 2012, unless renewed.

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4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

• • • • •

• • • • •

6. Code section 2762 states, in pertinent part:

• • • • •

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1 (c) Be convicted of a criminal offense involving the prescription,
2 consumption, or self administration of any of the substances described in subdivisions
3 (a) and (b) of this section, or the possession of, or falsification of a record pertaining
4 to, the substances described in subdivision (a) of this section, in which event the
5 record of the conviction is conclusive evidence thereof . . .

6 7. Code section 2765 states:

7 A plea or verdict of guilty or a conviction following a plea of nolo
8 contendere made to a charge substantially related to the qualifications, functions and
9 duties of a registered nurse is deemed to be a conviction within the meaning of this
10 article. The board may order the license or certificate suspended or revoked, or may
11 decline to issue a license or certificate, when the time for appeal has elapsed, or the
12 judgment of conviction has been affirmed on appeal or when an order granting
13 probation is made suspending the imposition of sentence, irrespective of a subsequent
14 order under the provisions of Section 1203.4 of the Penal Code allowing such person
15 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside
16 the verdict of guilty, or dismissing the accusation, information or indictment.

17 COST RECOVERY

18 8. Code section 125.3 provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licensee found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case.

22 FIRST CAUSE FOR DISCIPLINE

23 (Criminal Conviction)

24 9. Respondent is subject to disciplinary action pursuant to Code section 2761,
25 subdivision (f), in that on or about April 19, 2011, in the criminal proceeding titled *People v.*
26 *Allison Fawcett* (Super. Ct. Alameda County, 2011, Case No. 560884), Respondent pled nolo
27 contendere to violating Vehicle Code section 23103.5 ("wet and reckless" driving), a
28 misdemeanor, a crime substantially related to the qualifications, functions, and duties of a
registered nurse. The imposition of Respondent's sentence was suspended and Respondent was
placed on probation for 36 months on terms and conditions. The circumstances of the crime are
as follows: On or about April 5, 2010, an officer with the Oakland Police Department was
dispatched to 55th Avenue and Fleming Avenue to investigate a female unconscious in a running
vehicle. Upon arrival, the officer made contact with Respondent, who was sitting in the driver's
seat of the vehicle. The vehicle was in the number one lane of northbound 55th Avenue with the

1 engine running and the gear in the drive position. The officer detected a strong odor of an
2 alcoholic beverage emanating from Respondent's breath and observed that Respondent's eyes
3 were bloodshot and her speech was slurred. Respondent refused to take a breath test, but agreed
4 to a blood test. The officer transported Respondent to Highland Hospital for the blood draw.
5 While at the hospital, Respondent told the officer that she wanted to commit suicide. Respondent
6 was placed on a 5150 hold as she was deemed to be a danger to herself and was admitted to the
7 hospital. Respondent's blood test results showed that she had a blood alcohol level of 0.19
8 percent. Respondent was in a 2 year intensive residential treatment program at the time the above
9 incident occurred.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Use of Alcoholic Beverages to an Extent or in a Manner 12 Dangerous or Injurious to Oneself and the Public)**

13 10. Respondent is subject to disciplinary action pursuant to Code section 2761,
14 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
15 subdivision (b), in that on or about April 5, 2010, Respondent used alcoholic beverages to an
16 extent or in a manner dangerous or injurious to herself and the public, as set forth in paragraph 9
17 above.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Conviction Related to the Consumption of Alcoholic Beverages)**

20 11. Respondent is subject to disciplinary action pursuant to Code section 2761,
21 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
22 subdivision (c), in that on or about April 19, 2011, Respondent was convicted of a criminal
23 offense involving the consumption of alcoholic beverages, as set forth in paragraph 9 above.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Disciplinary Action by the Texas Board of Nursing)**

26 12. Respondent is subject to disciplinary action pursuant to Code section 2761,
27 subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the
28 Texas Board of Nursing ("Texas Board"), as follows: On or about September 17, 2012, pursuant

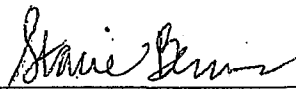
1 to the Agreed Order in the disciplinary proceeding titled "In the Matter of Registered Nurse
2 License Number 747942 issued to Allison Fawcett", the Texas Board accepted the voluntary
3 surrender of Respondent's license to practice registered nursing in the state of Texas. The Texas
4 Board's disciplinary proceeding is based on a Stipulation to Informal Disposition that was entered
5 into between Respondent and the State of Washington, Department of Health, Nursing Care
6 Quality Assurance Commission ("Commission"). The Commission had made a finding that
7 Respondent was charged with driving under the influence of alcohol in November 2010.
8 (Respondent informed the Commission that she had entered into a deferred prosecution). A true
9 and correct copy of the Agreed Order is attached as exhibit A and incorporated herein by
10 reference.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Board of Registered Nursing issue a decision:

- 14 1. Revoking or suspending Registered Nurse License Number 692973, issued to Allison
15 Fawcett Matyas, also known as Allison Fawcett;
16 2. Ordering Allison Fawcett Matyas, also known as Allison Fawcett, to pay the Board of
17 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
18 pursuant to Business and Professions Code section 125.3;
19 3. Taking such other and further action as deemed necessary and proper.

20
21 DATED: OCTOBER 26, 2012

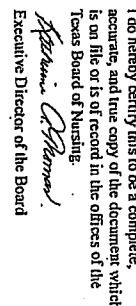
22 *for* 
LOUISE R. BAILEY, M.Ed., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

Agreed Order, Texas Board of Nursing



On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ALLISON FAWCETT, Registered Nurse License Number 747942, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

The Board makes the following Findings of Fact and Conclusions of Law.

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent holds a license to practice professional nursing in the State of Texas which is currently in delinquent status.
4. Respondent received an Associate Degree in Nursing from Highline College, Midway, Washington, on June 15, 2004. Respondent was licensed to practice professional nursing in the State of Texas on October 24, 2007.
5. Respondent's professional nursing employment history includes:

Valley Medical Center
Renton, Washington

Respondent's professional nursing employment history continued:

09/06 - 09/07	Agency RN	HRN Services Seattle, Washington
01/07 - 03/09	Travel RN	Innovative Placements Indianapolis, Indiana
04/08 - 12/08	RN	Harborview Medical Center Seattle, Washington
09/07 - 04/09	Agency RN	Annexa Professional Staffing Seattle, Washington
09/07 - 12/09	Agency RN	Agostini Healthcare Staffing Moraga, California
01/10 - 05/11	Unknown	
06/11 - Present	RN	The Retina Surgery Center Bellevue, Washington

6. On or about April 30, 2011, Respondent's license to practice as a registered nurse in the State of Washington was issued a STIPULATION TO INFORMAL DISPOSITION by the State of Washington, Department of Health, Nursing Care Quality Assurance Commission, Olympia, Washington. A copy of the Statement of Allegations and Summary of Evidence, and Stipulation to Informal Disposition, dated April 30, 2011, is attached and incorporated, by reference, as part of this order.

7. In response to Finding of Fact Number Six (6), Respondent states:

"In November 2010 I was charged with Driving Under the Influence of Alcohol (DUI) in Kent, Washington. I entered into a deferred prosecution, which means that compliance with all court orders will result in the charges being dropped after 5 years. I am also enrolled in Washington Health Professional Services (WHPS) for a 5-year contract. I have been sober since January 13, 2011. I attend a minimum of 3 AA meetings a week and 1 WHPS support meeting. I am in out-patient alcohol treatment, which I currently attend weekly. I am also on active probation, I have a work site monitor, and I'm required to check-in for random urine testing every weekday.

I have not worked as an RN in Texas and have no plans to use my RN license in TX in the near future."

8. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.
9. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
10. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 747942, heretofore issued to ALLISON FAWCETT, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 747942, heretofore issued to ALLISON FAWCETT, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing.

In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

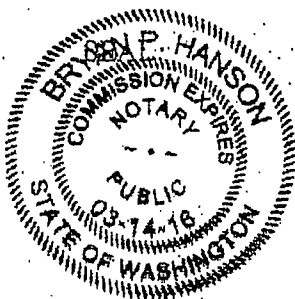
I understand that I have the right to legal counsel prior to signing this Agreed Order.

I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 11 day of September, 2012.

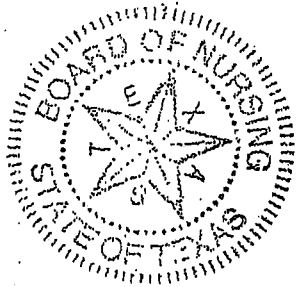
ALLISON FAWCETT
ALLISON FAWCETT, Respondent.

Sworn to and subscribed before me this 11 day of September, 2012.



[Signature]
Notary Public in and for the State of WA

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 747942, previously issued to ALLISON FAWCETT.



Effective this 17th day of September, 2012.

Katherine A. Thomas

Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Allison Fawcett
Master Case No.: M2011-601
Document: Statement of Allegations

Regarding your request for information about the above-named practitioner, attached is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office. These records are considered Certified by the Department of Health.

Certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Privacy Officer, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION

In the Matter of

ALLISON FAWCETT
Credential No. RN.RN.00155095

Respondent

No. M2011-601

STATEMENT OF ALLEGATIONS
AND SUMMARY OF EVIDENCE

FILED
MAY 06 2011
Adjudicative Clerk

The Health Services Consultant of the Nursing Care Quality Assurance Commission (Commission), on designation by the Commission, makes the allegations below, which are supported by evidence contained in case no. 2010-152307.

1. ALLEGED FACTS

1.1 On June 23, 2004, the state of Washington issued Respondent a credential to practice as a registered nurse. Respondent's credential is currently expired.

1.2 In December 2010, Respondent applied for activation of expired registered nurse credential.

1.3 On November 29, 2010, Respondent was charged with Driving Under the Influence, a gross misdemeanor, in Kent Municipal Court, Case No. K00084533 KNP.

1.4 On January 21, 2011, Respondent entered a deferred prosecution regarding Case No. K00084533 KNP. The deferred prosecution requires Respondent to comply with terms and conditions set by the court. If Respondent complies with all of the court's conditions, the charges stated in paragraph 1.3 above will be dismissed.

2. SUMMARY OF EVIDENCE

2.1 Respondent's application to reactivate expired credential, date stamped received by Department of Health December 9, 2010.

2.2 Kent Municipal Court Docket, Case No. K00084533 KNP.

3.3 Kent Municipal Court, Order Granting Deferred Prosecution, dated January 21, 2011.

3. ALLEGED VIOLATIONS

3.1 The facts alleged in Section 1, if proven, would constitute unprofessional conduct in violation of RCW 18.130.180(1), (17) which provide in part:

RCW 18.130.180 Unprofessional conduct. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

4. NOTICE TO RESPONDENT

4.1 The Commission has determined that this case may be appropriate for resolution through a Stipulation to Informal Disposition (Stipulation) pursuant to RCW 18.130.172(2). A proposed Stipulation is attached, which contains the disposition the Commission believes is necessary to address the conduct alleged in this Statement of Allegations and Summary of Evidence.

4.2 If Respondent agrees that the disposition imposed by the Stipulation is appropriate, Respondent should sign and date the Stipulation and return it within fourteen (14) days to the Department of Health Legal Services Office at PO Box 47873, Olympia, WA 98504-7873.

4.3 If Respondent does not agree that the terms and conditions contained in the Stipulation are appropriate, Respondent should contact Debra Defreyn, Department of Health Staff Attorney, PO Box 47873, Olympia, WA 98504-7873, (360) 236-4768 within fourteen (14) days.

4.4 If Respondent does not respond within fourteen (14) days, the Commission will assume Respondent has declined to resolve these allegations with an informal Stipulation and may proceed to formal disciplinary action against Respondent by filing a Statement of Charges pursuant to RCW 18.130.172(3).

4.5 If the parties cannot resolve the allegations with an Informal Stipulation, the Commission may proceed with a formal Statement of Charges.

DATED: APRIL 1, 2011

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE
COMMISSION

Mary Dale
MARY DALE
HEALTH SERVICES CONSULTANT

Debra L. Defreyn
DEBRA L. DEFREYN, WSBA #28317
DEPARTMENT OF HEALTH STAFF ATTORNEY



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Allison Fawcett
Master Case No.: M2011-601
Document: Stipulation to Informal Disposition

Regarding your request for information about the above-named practitioner, attached is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office. These records are considered Certified by the Department of Health.

Certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: NONE

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Privacy Officer, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION

In the Matter of

ALLISON FAWCETT
Credential No. RN.RN.00155095

Respondent

No. M2011-601

STIPULATION TO INFORMAL
DISPOSITION

1. STIPULATION

1.1 The Health Services Consultant of the Nursing Care Quality Assurance Commission (Commission), on designation by the Commission, has made the following allegations.

A. On June 23, 2004, the state of Washington issued Respondent a credential to practice as a registered nurse. Respondent's credential is currently expired.

B. In December 2010, Respondent applied for activation of expired registered nurse credential.

C. On November 29, 2010, Respondent was charged with Driving Under the Influence, a gross misdemeanor, in Kent Municipal Court, Case No. K00084533 KNP.

D. On January 21, 2011, Respondent entered a deferred prosecution regarding Case No. K00084533 KNP. The deferred prosecution requires Respondent to comply with terms and conditions set by the court. If Respondent complies with all of the court's conditions, the charges stated in paragraph 1.3 above will be dismissed.

1.2 Respondent does not admit any of the allegations in the Statement of Allegations and Summary of Evidence or in paragraph 1.1 above. This Stipulation to Informal Disposition (Stipulation) shall not be construed as a finding of unprofessional conduct or inability to practice.

ORIGINAL

1.3 Respondent acknowledges that a finding of unprofessional conduct or inability to practice based on the above allegations, if proven, would constitute grounds for discipline under RCW 18.130.180(1), (17).

1.4 Respondent agrees that pursuant to RCW 18.130.172 any sanction as set forth in RCW 18.130.160, except subsections (1), (2), (6), and (8), may be imposed as part of this stipulation, but the Respondent may agree to reimburse the disciplining authority the costs of investigation and processing the complaint up to an amount not exceeding one thousand dollars (\$1,000.00) per allegation.

1.5 The parties wish to resolve this matter by means of this Stipulation pursuant to RCW 18.130.172(1).

1.6 This Stipulation is of no force and effect and is not binding on the parties unless and until it is accepted by the Commission.

1.7 This Stipulation is not formal disciplinary action. However, if the Commission accepts this Stipulation, it will be reported to the Health Integrity and Protection Databank (45 CFR Part 61), the National Practitioner Databank (45 CFR Part 60) and elsewhere as required by law. It is a public document and will be placed on the Department of Health's website and otherwise disseminated as required by the Public Records Act (Chap. 42.56 RCW).

1.8 The Commission agrees to forego further disciplinary proceedings concerning the allegations.

1.9 Respondent agrees to successfully complete the terms and conditions of this informal disposition.

1.10 Respondent understands that a violation of this Stipulation, if proven, would constitute grounds for discipline under RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

2. COMPLIANCE WITH SANCTION RULES

2.1 The disciplining authority applies WAC 246-16-800, *et seq.*, to determine appropriate sanctions. WAC 246-16-800(2)(c) requires the disciplining authority to impose terms based on a specific sanction schedule unless "the schedule does not adequately address the facts in a case."

2.2 Respondent's alleged conduct falls in Tier A of the "Criminal Convictions" schedule, WAC 246-16-860. The sanction range associated with that tier does adequately address the alleged facts of this case. The starting point for duration of the sanctions is the middle of the tier range. WAC 246-16-800(3)(d). The middle of Tier A is thirty-six (36) to forty (40) months. WAC 246-16-860.

2.3 The duration of a Washington Health Professional Services (WHPS) monitoring contract is anywhere from twenty-four (24) to sixty (60) months. Therefore, the imposed sanction may deviate from the sanction schedule. The Commission acknowledges the deviation but finds that the WHPS program best addresses the allegations in this case.

3. INFORMAL DISPOSITION

The parties agree to the following:

3.1 Respondent shall seek a substance abuse evaluation through the WHPS program and then, if recommended by WHPS, enter and comply with all aspects of that program. If Respondent fails to cooperate with WHPS during the initial substance abuse evaluation or comply with any aspect of the program thereafter, it will be a violation of this Stipulation and may result in the Commission taking further disciplinary action against Respondent's credential. Respondent must contact the WHPS program and begin the evaluation process on or before thirty (30) days from the effective date of this Stipulation. Respondent shall sign a release that allows the WHPS program to provide the Commission or its designee monitoring records and/or reports pertaining to her participation in the program. WHPS may be contacted at PO Box 47872, Olympia, WA 98504-7872 or (360) 236-2880.

3.2 Respondent shall reimburse costs to the Commission in the amount of five hundred dollars (\$500.00) which must be received by the Commission within three (3) months of the effective date of this Stipulation. The reimbursement shall be paid by certified or cashier's check or money order, made payable to the Department of Health and mailed to the Department of Health, Nursing Commission at PO Box 1099, Olympia, Washington 98507-1099. Credit or Debit cards can also be used for payment at the front counter of the Department of Health building at 310 Israel Road SE, Tumwater, Washington 98501, during regular business hours.

3.3 Respondent is responsible for all costs of complying with this Stipulation.
3.4 Respondent shall inform the Department of Health and the Adjudicative Clerk Office in writing of changes in Respondent's residential and/or business address within thirty (30) days of the change.

3.5 The effective date of this Stipulation is the date the Adjudicative Clerk Office places the signed Stipulation into the U.S. mail. If required, Respondent shall not submit any fees or compliance documents until after the effective date of this Stipulation.

4. RESPONDENT'S ACCEPTANCE

I, ALLISON FAWCETT, have read, understand and agree to this Stipulation. This Stipulation may be presented to the Commission without my appearance. I understand that I will receive a signed copy if the Commission accepts this Stipulation.



ALLISON FAWCETT
RESPONDENT

4/3/2011

DATE

_____, WSBA #
ATTORNEY FOR RESPONDENT

DATE

5. COMMISSION ACCEPTANCE

The Commission accepts this Stipulation to Informal Disposition. All parties shall be bound by its terms and conditions.

DATED: 30 April, 2011

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE
COMMISSION

Sue M. Masek
PANEL CHAIR

PRESENTED BY:

Debra L. Defrey
DEBRA L. DEFREYN, WSBA #28317
DEPARTMENT OF HEALTH STAFF ATTORNEY

April 29, 2011
DATE